

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Applicant : Samuel Achilefu
Application No. : 10/814,404
Filed : March 31, 2004
Title : TISSUE-SPECIFIC EXOGENOUS OPTICAL AGENTS
Confirmation No. : 5388
Art Unit : 1618
Docket No. : 073979.14

Filed Via EFS-Web

September 19, 2008

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying *Information Disclosure Statement by Applicant(s)*, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. In accordance with the U.S. Patent Office's partial waiver of the requirement under 37 C.F.R. 1.98(a)(2)(i), only copies of the foreign patent documents and non-patent publications are enclosed.

REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed
(CHECK ONE):

- ☒ (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37.C.F.R. 1.114: or
- ☐ (2) After the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. 1.311, and
- ☐ the requisite Statement is below, **OR**
- ☐ the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein, or
- ☐ (3) after the mailing date of a **final action** or **notice of allowance** but before the payment of the **issue fee**, **AND**
- ☐ the requisite Statement is below, **AND**

- ☐ the requisite petition fee under 37 C.F.R. 1.17(p), namely **\$180.00** is included herein

It is respectfully requested that each of the patents and publications listed on the attached Information Disclosure Citation, and other information contained herein, be made of record in this application.

STATEMENT

As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that [**check the appropriate space only if either (2) or (3) is checked on the previous page and the Statement is required**]:

- ☐ 1. Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application **not more than three months** prior to the filing of the Information Disclosure Statement; or
- ☐ 2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to **any individual** designated at 37 C.F.R. 156(c) **more than three months** prior to the filing of the Information Disclosure Statement.

It is to be understood that the present submission of art is in no way intended to be a waiver of any arguments or defenses available to the applicant under the rules of the U.S. Patent and Trademark Office and the statutes of the United States.

The Commissioner is authorized to charge any additional fees required by this paper or to credit any overpayment to Deposit Account No. 20-0809.

Respectfully submitted:

Date: September 19, 2008

By: /Beverly A. Lyman/
Beverly A. Lyman, Ph. D.
Reg. No. 41,961

THOMPSON HINE LLP
312 Walnut Street
14th Floor
Cincinnati, OH 45202-4089